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- amounts of moisture to provide the cooked cereal dough with a moisture content of about 21 to 35%; and
- C. immediately thereafter, subjecting the cooked cereal dough to a second cooking step at a temperature of about 120 to about 194°C (248 to 380°F) for about 15 to 45 minutes to form an extended time cooked cereal dough having said discernible grain bits dispersed therein.

REMARKS

Following entry of this amendment, reconsideration of the application is respectfully requested. These changes have been made in accordance with statements presented by the Examiner in the Final Office Action previously issued in this case to clearly define the invention over the applied GB 1,050,307 reference. That is, although the parent application which resulted in U.S. Patent No. 6,291,008 already presents claims allowable over the GB reference, the scope of the claims in the present application are different such that, with this additional limitation, the claims simply define over this GB reference in a different fashion. In any event, given the indication that the claims would be allowable over the GB reference with this change made, withdrawal of this particular rejection by the Examiner is respectfully requested.

*See entry
in
Examiner's
action
dated
1/14/03*

In addition to reconsidering the rejection of the claims based on the GB reference, the Examiner's attention is particularly drawn to an OG notice of January 14, 2003 regarding examination guidelines for 35 U.S.C. 102(e), wherein it is stated that "all pending U.S. Patent Applications being examined, and all U.S. Patents being reexamined, or otherwise being contested, whenever filed, are subject to the amended version of 102(e)." To this end, it is respectfully submitted that the prior U.S. Patent to the common assignee in the present application does not constitute prior art to the present case under

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102(e), particularly as used in the Section 103 rejection set forth by the Examiner.
Therefore, reconsideration on this point is also respectfully requested.

Based on the above remarks, and the amendments to the claim 1, reconsideration of the claims in this RCE application is respectfully requested. If the Examiner should have any additional concerns regarding the points raised herein, he is cordially invited to contact the undersigned at the number provided below to further expedite the prosecution.

Respectfully submitted,



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